

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AGRIPROCESSORS, INC., SHOLOM
RUBASHKIN, BRENT BEEBE,
HOSAM AMARA and ZEEV LEVI,

Defendants.

No. 08-CR-1324-LRR

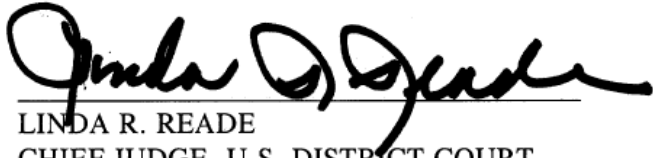
ORDER

Defendant Sholom Rubashkin's "Motion to Sever Counts 1-11, 12, 13-79, & 80-99" ("Motion") (docket no. 213) is **DENIED WITH LEAVE TO REFILE**. After Defendant filed the Motion, the grand jury returned the Fifth Superseding Indictment (docket no. 413). The Fifth Superseding Indictment is arguably substantially different than the Fourth Superseding Indictment (docket no. 177), which Defendant sought to sever.

Any party seeking severance of counts within the Fifth Superseding Indictment must file an appropriate motion **on or before April 10, 2009**. Resistances are due **on or before April 20, 2009**. Parties filing motions or resistances are directed to indicate in their briefs the estimated length of trial were the court to hold a single, unified proceeding, as well as the estimated lengths of the proposed trials on the severed counts. *See, e.g., United States v. Casamento*, 887 F.2d 1141, 1151-53 (2d Cir. 1989) (discussing pitfalls of so-called "mega-trials" upon the administration of justice); *United States v. Gallo*, 668 F. Supp. 736, 754-76 (E.D.N.Y. 1987) (similar); Fed. R. Crim. P. 2 ("These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.")

IT IS SO ORDERED.

DATED this 1st day of April, 2009.

A handwritten signature in black ink, appearing to read "Linda R. Reade", is written over a horizontal line.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA